

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller (US 4,859,049). Muller teaches a contact lens (1) including an optical portion (2) situated in a center portion and a peripheral portion (3) situated about the optical portion, and employing a ballast mechanism (see Fig. 4) where an overall center of gravity is shifted from a geometrical center axis to stabilize the lens in the circumferential direction during wear, the contact lens characterized in that on a lens front surface, a circular optical portion front surface forming the optical portion, and a peripheral front surface of annular shape forming the peripheral portion are respectively formed with substantially constant diametrical dimensions about the geometrical center axis of the lens in front view of the lens (see Fig. 4); a cross sectional shape of the peripheral front surface vary in the circumferential direction (because of the double stabilizing bosses); and a thickness dimension of the peripheral portion varies in the circumferential direction to thereby shift the center of gravity from the lens geometrical center axis (again, because of the double stabilizing bosses).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (US 4,859,049) in view of Tanaka et al (US 5,422,687). Muller is applied for reasons set forth against claims 1 and 3. Muller does not specifically teach that the center of gravity is shifted away from the geometrical center axis of the lens. Tanaka et al teaches in a similarly stabilized contact lens that the center of gravity can be shifted from the geometrical center axis of the lens. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Muller with a shifted center of gravity as taught by Tanaka et al, since it is shown to be a known stabilizing technique in optically stabilized contact lenses. Figs. 2-4 of Tanaka et al teach the machining of the contact lens. Tanaka et al also teaches that the lens can be a multifocal lens.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott J. Sugarman whose telephone number is (571)272-2340.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571)272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott J. Sugarman/
Primary Examiner, Art Unit 2873

sjs
June 9, 2008